

108TH CONGRESS
1ST SESSION

S. 253

To amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

IN THE SENATE OF THE UNITED STATES

JANUARY 30, 2003

Mr. CAMPBELL (for himself, Mr. LEAHY, Mr. HATCH, Mr. REID, Mr. GRAHAM of South Carolina, Mr. SCHUMER, Mr. GRASSLEY, Mr. DORGAN, Mr. KYL, Mr. EDWARDS, Mr. SESSIONS, Mr. BAUCUS, Mr. DEWINE, Mr. WARNER, Ms. CANTWELL, Mr. NICKLES, Mr. CONRAD, Mr. BURNS, Ms. LANDRIEU, Mr. CRAIG, Mr. DOMENICI, Mr. DAYTON, Mrs. FEINSTEIN, Mr. CORNYN, Mrs. LINCOLN, Mr. ALLEN, Mr. SANTORUM, Mr. McCONNELL, Mr. BUNNING, Mr. NELSON of Nebraska, Mr. INHOFE, and Ms. STABENOW) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Law Enforcement Offi-
5 cers Safety Act of 2003”.

1 **SEC. 2. EXEMPTION OF QUALIFIED LAW ENFORCEMENT OF-**
2 **FICERS FROM STATE LAWS PROHIBITING**
3 **THE CARRYING OF CONCEALED FIREARMS.**

4 (a) IN GENERAL.—Chapter 44 of title 18, United
5 States Code, is amended by inserting after section 926A
6 the following:

7 **“§ 926B. Carrying of concealed firearms by qualified**
8 **law enforcement officers**

9 “(a) Notwithstanding any other provision of the law
10 of any State or any political subdivision thereof, an indi-
11 vidual who is a qualified law enforcement officer and who
12 is carrying the identification required by subsection (d)
13 may carry a concealed firearm that has been shipped or
14 transported in interstate or foreign commerce, subject to
15 subsection (b).

16 “(b) This section shall not be construed to supersede
17 or limit the laws of any State that—

18 “(1) permit private persons or entities to pro-
19 hibit or restrict the possession of concealed firearms
20 on their property; or

21 “(2) prohibit or restrict the possession of fire-
22 arms on any State or local government property, in-
23 stallation, building, base, or park.

24 “(c) As used in this section, the term ‘qualified law
25 enforcement officer’ means an employee of a governmental
26 agency who—

1 “(1) is authorized by law to engage in or super-
2 vise the prevention, detection, investigation, or pros-
3 ecution of, or the incarceration of any person for,
4 any violation of law, and has statutory powers of ar-
5 rest;

6 “(2) is authorized by the agency to carry a fire-
7 arm;

8 “(3) is not the subject of any disciplinary action
9 by the agency;

10 “(4) meets standards, if any, established by the
11 agency which require the employee to regularly qual-
12 ify in the use of a firearm; and

13 “(5) is not prohibited by Federal law from re-
14 ceiving a firearm.

15 “(d) The identification required by this subsection is
16 the photographic identification issued by the governmental
17 agency for which the individual is, or was, employed as
18 a law enforcement officer.

19 “(e) DEFINED TERM.—As used in this section, the
20 term ‘firearm’ does not include—

21 “(1) any machinegun (as defined in section
22 5845 of title 26);

23 “(2) any firearm silencer (as defined in section
24 921); and

1 “(3) any destructive device (as defined in sec-
2 tion 921).”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 for such chapter is amended by inserting after the item
5 relating to section 926A the following:

“926B. Carrying of concealed firearms by qualified law enforcement officers.”.

6 **SEC. 3. EXEMPTION OF QUALIFIED RETIRED LAW EN-**
7 **FORCEMENT OFFICERS FROM STATE LAWS**
8 **PROHIBITING THE CARRYING OF CON-**
9 **CEALED FIREARMS.**

10 (a) IN GENERAL.—Chapter 44 of title 18, United
11 States Code, is further amended by inserting after section
12 926B the following:

13 **“§ 926C. Carrying of concealed firearms by qualified**
14 **retired law enforcement officers**

15 “(a) Notwithstanding any other provision of the law
16 of any State or any political subdivision thereof, an indi-
17 vidual who is a qualified retired law enforcement officer
18 and who is carrying the identification required by sub-
19 section (d) may carry a concealed firearm that has been
20 shipped or transported in interstate or foreign commerce,
21 subject to subsection (b).

22 “(b) This section shall not be construed to supersede
23 or limit the laws of any State that—

1 “(1) permit private persons or entities to pro-
2 hibit or restrict the possession of concealed firearms
3 on their property; or

4 “(2) prohibit or restrict the possession of fire-
5 arms on any State or local government property, in-
6 stallation, building, base, or park.

7 “(c) As used in this section, the term ‘qualified re-
8 tired law enforcement officer’ means an individual who—

9 “(1) retired in good standing from service with
10 a public agency as a law enforcement officer, other
11 than for reasons of mental instability;

12 “(2) before such retirement, was authorized by
13 law to engage in or supervise the prevention, detec-
14 tion, investigation, or prosecution of, or the incarcer-
15 ation of any person for, any violation of law, and
16 had statutory powers of arrest;

17 “(3)(A) before such retirement, was regularly
18 employed as a law enforcement officer for an aggre-
19 gate of 15 years or more; or

20 “(B) retired from service with such agency,
21 after completing any applicable probationary period
22 of such service, due to a service-connected disability,
23 as determined by such agency;

24 “(4) has a nonforfeitable right to benefits under
25 the retirement plan of the agency;

1 “(5) during the most recent 12-month period,
 2 has met, at the expense of the individual, the State’s
 3 standards for training and qualification for active
 4 law enforcement officers to carry firearms; and

5 “(6) is not prohibited by Federal law from re-
 6 ceiving a firearm.

7 “(d) The identification required by this subsection is
 8 photographic identification issued by the agency for which
 9 the individual was employed as a law enforcement officer.

10 “(e) DEFINED TERM.—As used in this section, the
 11 term ‘firearm’ does not include—

12 “(1) any machinegun (as defined in section
 13 5845 of title 26);

14 “(2) any firearm silencer (as defined in section
 15 921); and

16 “(3) a destructive device (as defined in section
 17 921).”.

18 (b) CLERICAL AMENDMENT.—The table of sections
 19 for such chapter is further amended by inserting after the
 20 item relating to section 926B the following:

“926C. Carrying of concealed firearms by qualified retired law enforcement offi-
 cers.”.

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